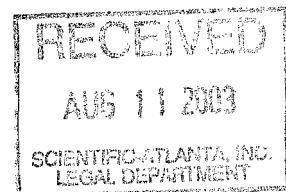


PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY



To:
KENNETH M. MASSARONI
SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE, GA 30044

PCT

WRITTEN OPINION

(PCT Rule 66)

| | | | |
|---|--|---|--------------------|
| | | Date of Mailing (day/month/year) | 08 AUG 2003 |
| Applicant's or agent's file reference | | REPLY DUE within 2 months/days from the above date of mailing | |
| International application No. | International filing date (day/month/year) | Priority date (day/month/year) | |
| PCT/US02/20307 | 26 June 2002 (26.06.2002) | 29 June 2001 (29.06.2001) | |
| International Patent Classification (IPC) or both national classification and IPC | | | |
| IPC(7): H04N 5/445, G06F 3/00, 13/00 and US Cl.: 725/38 | | | |
| Applicant | | | |
| SCIENTIFIC-ATLANTA, INC. | | | |

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.

For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.

For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 29 October 2003 (29.10.2003).

| | |
|--|--|
| Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230 | Authorized officer Andrew Faile Telephone No. 703-306-0377 |
|--|--|

WRITTEN OPINION

International application No.

PCT/US02/20307

I. Basis of the opinion

1. With regard to the elements of the international application:*

the international application as originally filed

the description:

pages 1-33, as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of _____.

the claims:

pages 34-37, as originally filedpages NONE, as amended (together with any statement) under Article 19pages NONE, filed with the demandpages NONE, filed with the letter of _____.

the drawings:

pages 1-31, as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of _____.

the sequence listing part of the description:

pages NONE, as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

contained in the international application in printed form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of: the description, pages NONE _____ the claims, Nos. NONE _____ the drawings, sheets/fig NONE _____5. This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINIONInternational application No.
PCT/US02/20307**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

| | | |
|-------------------------------|--|-----|
| Novelty (N) | Claims <u>8, 26, 28, 29 and 30</u> | YES |
| | Claims <u>1-7, 9-25, 27, 31 and 32</u> | NO |
| Inventive Step (IS) | Claims <u>8, 28, 29 and 30</u> | YES |
| | Claims <u>1-7, 9-26, 27, 31 and 32</u> | NO |
| Industrial Applicability (IA) | Claims <u>1-32</u> | YES |
| | Claims <u>NONE</u> | NO |

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

Claims 8, 28, 29 and 30 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the recited limitations in claims 8, 28, 29 and 30.

----- NEW CITATIONS -----

NONE

Supplemental Box
(To be used when the space in any of the preceding boxes is not sufficient)**TIME LIMIT:**

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

V. 2. Citations and Explanations:

Claims 1-7, 9-25, 27, and 31-32 lack novelty under PCT Article 33(2) as being anticipated by Russo (US 5,619,247 A).

Regarding claim 1, Russo discloses a media system comprising: logic configured to provide a user interface that provides a user with a plurality of media content selections available at various times (the subscribers may choose to purchase the near-video-on-demand feature, pay per view); and a portable client media drive configured to receive over a secured transmission medium the media content selected by the user (a program storage records onto removable cassettes as shown by block 132; enabling the user to play pre-recorded or record the selected programs) (see col. 7, lines 35-61; col. 8, lines 41-54; col. 4, lines 28-44).

Regarding claim 2, Russo shows that a subscriber network television system in electrical communication with the portable media drive (132) and a television (8) (see figures 1-2).

Regarding claims 3-4, Russo discloses that the broadband cable system provides the video program services to cable converter box (see col. 3, lines 46-48).

Regarding claim 5, Russo discloses a hard disk drive (112) that receives the media content and transfers the media content to the portable media drive (132) (see figure 2).

Regarding claim 6, Russo discloses a memory (110) that receives the media content selected by the user (see figure 2).

Regarding claim 7, Russo discloses a memory (112) that receives the media content and transfers the media content to the portable media drive (see figure 2).

Regarding claim 9, Russo shows the user interface is provided by a remote server (broadband cable system 2 - see figure 2).

Regarding claim 10, Russo discloses a processor (150) and a memory (156), wherein the processor is configured with the memory to provide the user interface (see col. 9, lines 24-51)

Regarding claim 11, Russo discloses a processor to access secured media content over the secured transmission medium (bus 152 - see figure 2).

Regarding claim 12, Russo discloses that the portable media drive comprises at least one portable medium (cassette, CD-ROM) (see col. 7, lines 44-47; col. 8, lines 44-47).

Regarding claim 13, it is noted that the portable media drive inherently comprises a carousel media drive to store tape or disc.

Regarding claim 14, it is noted that the portable media drive comprises a magazine drive to hold the tape or disc.

Regarding claim 15, Russo discloses a television display showing the user interface (see col. 3-4, lines 51-9).

Regarding claim 16, Russo discloses a method for recording media content, comprising the steps of: providing a user interface to select from a plurality of media content selections available at different times (the subscribers may choose to purchase the near-video-on-demand feature, pay per view); receiving from a remote device the selected media content over a secured transmission medium; and recording the selected media content onto at least one portable medium (a program storage records onto removable cassettes as shown by block 132; enabling the user to play pre-recorded or record the selected programs) (see col. 7, lines 35-61; col.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

8, lines 41-54; col. 4, lines 28-44).

Regarding claim 17, Russo shows that a subscriber network television system in electrical communication with the portable media drive (132) and a television (8) (see figures 1-2).

Regarding claims 18-19, Russo discloses that the broadband cable system provides the video program services to cable converter box (see col. 3, lines 46-48).

Regarding claim 20, Russo shows decrypting the encrypted selected media content (by descrambler 114) (see figure 2).

Regarding claim 21, Russo shows the user interface is provided by a remote server (broadband cable system 2 - see figure 2).

Regarding claim 22, Russo discloses providing the user interface from a local client device (providing on-screen menu or near-video-on-demand menu at the user terminal -see col. 4, lines 38-44).

Regarding claim 23, Russo discloses that the portable medium is located in a portable media drive (cassette, CD-ROM) (see col. 7, lines 44-47; col. 8, lines 44-47).

Regarding claim 24, Russo shows that the portable medium is coupled to a local client device (see figures 1-2).

Regarding claim 25, Russo shows the remote device is a remote server (the broadband cable system - see col. 3, lines 46-48).

Regarding claim 27, Russo discloses a hard disk drive (112) that receives the media content and transfers the media content to the portable media drive (132) (see figure 2).

Regarding claims 31-32, Russo discloses that the subscribers may choose to purchase the near-video-on-demand or pay per view, if so desired via a television terminal 8 (see col. 3, lines 51-57; col. 4, lines 40-44).

Claim 26 lack an inventive step under PCT Article 33(3) as being obvious over Russo (US 5,619,247 A).

Regarding claim 26, Russo does not disclose the remote device is a home computer. It is noted that utilizing a home computer as the consumer terminal for receiving and storing programming services such as television programs is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Russo by utilizing a home computer as consumer terminal to receive and store the programs for displaying or playback the received programs.

----- NEW CITATIONS -----
NONE